

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7153

BILL NUMBER: HB 1388

NOTE PREPARED: Feb 17, 2009

BILL AMENDED: Feb 17, 2009

SUBJECT: Foster Care and Kinship Care.

FIRST AUTHOR: Rep. Summers

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
☒ **FEDERAL**

IMPACT: State & Local

STATE IMPACT	FY 2009	FY 2010	FY 2011
State Revenues			
State Expenditures		150,000	150,000
Net Increase (Decrease)		(150,000)	(150,000)

Summary of Legislation: (Amended) This bill requires the Department of Child Services (DCS) to apply for federal funding if DCS receives state funding for the implementation of the kinship care navigator pilot projects.

The bill also requires DCS to: (1) exercise due diligence to identify all blood and adoptive relatives of a child alleged to be a Child in Need of Services (CHINS) who is taken into custody; and (2) provide certain notice to the blood and adoptive relatives of the child.

The bill also changes the felonies that certain individuals must have committed to be prohibited from having a child placed with certain individuals in an out-of-home placement. This bill also allows DCS to deny a foster family home license to an applicant or revoke a foster family home license of a licensee if an employee or volunteer who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant or licensee have been convicted of certain felonies within certain time periods. (Current law allows DCS to deny or revoke a license to an applicant if the employee or volunteer has been convicted of other specified felonies.) This bill also provides that the department may deny a license to an

applicant if certain time periods have elapsed since the date the applicant was convicted of certain felonies.

The bill appropriates \$150,000 to DCS from the state General Fund for each year of the biennium beginning July 1, 2009, and ending June 30, 2011.

Effective Date: July 1, 2009.

Explanation of State Expenditures: This bill requires DCS employees to locate and notify all blood and adoptive relatives of a CHINS that is taken into state custody of the options available to them to provide kinship care to the child. DCS reports they currently exercise due diligence in contacting all blood and adoptive relatives of CHINS and notify them of the child's placement and other considerations defined in the legislation.

The bill removes current provisions requiring the kinship care navigation pilot program to be implemented upon the receipt of nonstate or private funding sources. The bill requires that if DCS receives state funding for implementation of the pilot program, that DCS is also required to apply for any applicable federal funding for program costs. The bill also appropriates \$150,000 of state funding per fiscal year to the pilot program for a total of \$300,000 during the biennium. These provisions will increase the workload of DCS employees to (1) implement the pilot program and (2) apply for applicable federal funding for the pilot program.

Currently, DCS is partnered with not-for-profit organizations to generate grant funding for kinship care navigator programs across the state. Kid's Voice, one of the not-for-profit organizations participating received a grant with the support of DCS.

Explanation of State Revenues: (Revised) *Out-of-Home Placement Care:* Currently, when an alleged child in need of services (CHINS) is ordered by a court to out-of-home placement, DCS is responsible for placement of that child in out-of-home care. This bill removes juvenile adjudications from the list of offenses that may be considered when determining a person's ability to provide out-of-home care for a child. The bill also removes all mention of arson convictions (juvenile and adult) from the offenses that may be considered.

(Revised) *Regulation of Foster Family Home Licenses:* The bill also modifies the felony convictions that are grounds for the denial of foster family home licensure. Foster family home (1) licensure applicants, (2) employees, and (3) volunteers, that have certain convictions specified in the bill are considered grounds for the denial of a foster family home license. The following table describes the changes made in the bill.

Offense	Current Law	As Proposed	
	Applies	Will Apply and Have No Limitations	Will Apply and Have Limitations
Murder IC 35-42-1-1	x	x	
Causing Suicide IC 35-42-1-2	x	x	
Assisting Suicide IC 35-42-1-2.5	x	x	
Voluntary Manslaughter IC 35-42-1-3	x	x	
Reckless Homicide IC 35-42-1-5	x		x (10 years)
Battery IC 35-42-2-1 A or B Felony	x	x	
Battery IC 35-42-2-1 C or D Felony	x		x (10 years)
Domestic Battery IC 35-42-2-1.3	x	x	
Aggravated Battery IC 35-42-2-1.5	x	x	
Kidnapping IC 35-42-3-2	x	x	

Offense	Current Law	As Proposed	
	Applies	Will Apply and Have No Limitations	Will Apply and Have Limitations
Criminal Confinement IC 35-42-3-3 B Felony	x	x	
Criminal Confinement IC 35-42-3-3 C or D Felony	x		x (10 years)
A felony sex conviction under IC 35-42-4	x	x	
Carjacking IC 35-42-5-2	x	x	
Arson IC 35-43-1-1 A or B Felony	x		x (10 years)
Arson IC 35-43-1-1 C or D Felony	x		
Incest IC 35-46-1-3	x	x	
Neglect of a Dependant IC 35-46-1-4(a)(1) and (2)	x	x	
Child Selling IC 35-46-1-4(d)	x	x	
Harmful Offenses to Minors IC 35-49-3	x	x	
Felony Involving a Weapon Under IC 35-47	x		x (10 years)
Felony Involving a Weapon Under IC 35-47.5	x		x (10 Years)
A felony relating to controlled substances IC 35-48-4	x		x (5 years)
Any other felony or misdemeanor harmful to a child			x

Additionally, the legislation removes applicability of these felony offenses if individuals were adjudicated of these offenses as juveniles, which may increase the number of employees and volunteers that can work in licensed foster family homes and increase the number of individuals selected to provide out-of-home care to children. Any increase in the number of foster care providers may increase federal revenue from the IV-E program.

(Revised) *Revocation of Foster Family Home Licenses*: The bill removes language that allows a foster family home license to be revoked when an employee or volunteer of the licensee has been convicted of the felonies included in the table above (See column “Current Law Applies” for list of felony convictions) and any other felony or misdemeanor relating to the health and safety of a child (unless a waiver was granted by DCS).

DCS reports that the impact on foster care providers in the state and foster family homes would be minimal. Current policy is to not hire a person with a criminal history or license anyone with a criminal background. Currently, licensed child placing agencies, residential services providers, and other individuals that provide foster care can seek a waiver for an individual who would like to provide foster care but has certain convictions. Any impact on federal IV-E funding is expected to be minimal.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DCS.

Local Agencies Affected:

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